

Application No. 10/091,651
Attorney Docket No. 75851-313560

Remarks

Claims 2-4, 6-8, 12-17, and 20-24 have been rejected under 35 U.S.C. 103(a) using a combination of Hirni et al. (U.S. Patent No. 6,731,609) and Hayashi (U.S. Patent 6,731,609). Further, claims 9-11 have been rejected under 35 U.S.C. 103(a) using the combination of Hirni and Atsman et al. (U.S. Patent No. 6,607,136). Yet further, claims 18-19 have been rejected under 35 U.S.C. 103(a) using the combination of Hirni and Borman et al. (U.S. Patent No. 6,748,055). Claims 2-4 and 6-25 were pending. Claims 12, 14, 24 and 25 have been amended, and no claims have been either added or cancelled. Hence, claims 2-4 and 6-25 remain pending. Applicant respectfully amends in part and traverses in part to overcome the rejections.

As amended, claim 12 provides a method for controlling a network of conversation control systems. The method includes, *inter alia*, initiating contact with a human recipient and outputting information received from the human recipient in the form of an audio communication to a human operator. In addition, an indication is received from the human operator of a preformed script item to respond to the information received from the human recipient, and the script item is presented to the human recipient. By allowing a human operator associated with the conversation control system to select a script item, rather than simply verbally responding, an approach carried out by the human operator will more likely to conform to desired standards.

In stark contrast, Hirni does not disclose, teach or suggest selection from preformed script items. Rather, Hirni merely discloses a telephonic system that is capable of facilitating communications across a packet based network. Hirni at abstract, col. 1, ll. 59-64. Thus, Hirni discloses what has become commonly referred to as a Voice Over Internet Protocol (VOIP) system. Such systems, like the standard telephone systems that have existed for over one hundred years, provide a facility that allows users to freely communicate one with another, and without interference with the content of such communication. Such systems do not provide preformed script items that control the content of an ongoing communication. Hence, Hirni does not anticipate applicants claim 12.

The Office Action correctly admits that Hirni fails to disclose, teach or suggest the use of script items as set forth in claim 12. Office Action of 4/27/05 at p. 4; see also Id. at p. 2 (discussing claim 24). To overcome the admitted limitation of Hirni, the Office Action asserts that Hayashi discloses script items. Id. In addition, the Office Action sets forth an

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unsupportable conclusion that “[i]t would have been obvious to modify Hirni et al. to include scripts items formed in a presentation such as that taught by Hayashi in order to allow the user to choose a response such that the conversation can be directed in a particular way, along a particular route to come to a certain conclusion.” Id. To support the combination of Hirni and Hayashi, the Office Action must set forth some suggestion or motivation, typically in the references themselves, to modify the reference or to combine reference teachings. MPEP at 2142. In contrast, the motivation to combine the references cited in the Office Action is derived from Applicant’s disclosure and not from the cited references or knowledge generally available to one of ordinary skill in the art. Hence, the combination is not proper, and Applicant respectfully requests withdrawal of the rejection and allowance of claim 12 for at least this reason.

Even if the combination of Hirni and Hayashi was proper, which it is not, the combination fails to disclose, teach or suggest each and every limitation of claim 12. Hayashi discloses a device whereby a user of the device interacts with the device to train a “virtual pet” on the meaning of particular words. Hayashi at abstract. In stark contrast, Applicant’s claim 12 provides for an interaction between a human recipient and a human operator whereby the human operator selects a preformed script to be presented to the human recipient. Thus, as Hayashi fails to teach, disclose or suggest the limitation admittedly not taught by Hirni, Applicant respectfully requests withdrawal of the rejection and allowance of claim 12 for at least this additional reason.

Also, claims 13-23 properly depend upon an allowable independent claim 12, and are thus allowable for at least this reason. Hence, applicant respectfully requests withdrawal of the rejections thereof and allowance of the aforementioned claims.

In addition, claim 14 provides for “receiving an indication of a presentation, wherein the presentation controls the form that the script item is presented to the recipient, and wherein the presentation is a logical combination of script items.” The Office Action asserts that Hirni discloses the elements of claim 14, however, this contradicts an earlier admission that Hirni “does not disclose script items formed in a presentation.” Office Action of 4/27/05 at pp. 2, 5. In fact, neither Hirni nor Hayashi disclose such presentations, and for this additional reason Applicant respectfully requests withdrawal of the rejection of claim 14 and allowance of the claim.

Also, because the combination of Hirni and Hayashi is improper, Applicant respectfully requests that the rejections of independent claims 24 and 25 relying on the improper

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combination be withdrawn, and the claims allowed for at least this reason. Further, independent claims 24 and 25 include a limitation similar to that discussed in relation to claim 12 above which is not disclosed, taught or suggested by the cited art. Hence, for at least this additional reason, Applicant respectfully requests withdrawal of the rejection of claims 24 and 25, and allowance of the claims. Claims 2-4 and 6-11 properly depend on allowable independent claims, and are thus allowable for at least this reason.

Conclusion

In view of the foregoing, Applicants submit that all claims now pending in this Application are in condition for allowance.

Deposit Account

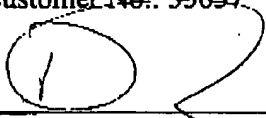
Enclosed is a PTO Credit Card Payment Form 2038 in the amount of \$620.00 to cover the RCE filing fee and a two (2) month extension of time fee for a small entity. In the event that any additional fees are necessary for the entry of this paper, please charge such fees or credit to our Deposit Account No. 06-0029.

Request for a Telephone Interview

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (303) 607-3500.

Dated: September 14, 2005

Respectfully submitted,
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